

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

U.S. TRUST COMPANY, N.A., in its capacity as Plan Administrator and Trustee of the Arthur D. Little, Inc Employees' MDT Retirement Plan,

Plaintiff,

v.

KARL P. FAGANS, and GARY BECK,

Defendants.

Civil Action
No. 05CV10013-WGY

AFFIDAVIT OF JOSEPH F. HARDCastle

I, Joseph F. Hardcastle, state as follows under the pains and penalties of perjury:

1. I am an attorney at the law firm of Hardcastle & Shober, located in Boston, Massachusetts. I am counsel for plaintiff U.S. Trust Company, N.A. ("U.S. Trust") in this action and have personal knowledge of the matters set forth below.

2. The taxable costs incurred to date by U.S. Trust in this action are limited to the Complaint filing fee paid to the Court in the amount of \$150.00.

I DECLARE UNDER PENALTY OF PERJURY PURSUANT TO 28 U.S.C. § 1746 THAT THE FOREGOING IS TRUE AND CORRECT. SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 28th DAY OF JUNE, 2006.

/s/ Joseph F. Hardcastle
Joseph F. Hardcastle